

Senate Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 82

SENATE BILL 1230

AN ACT

AMENDING SECTION 1-215, ARIZONA REVISED STATUTES; RELATING TO PEACE OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 1-215, Arizona Revised Statutes, is amended to
3 read:

4 1-215. Definitions

5 In the statutes and laws of ~~the~~ THIS state, unless the context
6 otherwise requires:

7 1. "Action" includes any matter or proceeding in a court, civil or
8 criminal.

9 2. "Adopted rule" means a final rule as defined in section 41-1001.

10 3. "Adult" means a person who has attained the age of eighteen years.

11 4. "Alternative fuel" means:

12 (a) Electricity.

13 (b) Solar energy.

14 (c) Liquefied petroleum gas, natural gas, hydrogen or a blend of
15 hydrogen with liquefied petroleum or natural gas that complies with either
16 of the following:

17 (i) Is used in an engine that is certified to meet at a minimum the
18 United States environmental protection agency low emission vehicle standard
19 pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

20 (ii) Is used in an engine that is certified by the engine modifier to
21 meet the addendum to memorandum 1-A of the United States environmental
22 protection agency.

23 (d) Only for vehicles that use alcohol fuels before August 21, 1998,
24 alcohol fuels that contain not less than eighty-five per cent alcohol by
25 volume.

26 (e) A combination of at least seventy per cent alternative fuel and
27 no more than thirty per cent petroleum based fuel ~~and~~ that operates in an
28 engine that meets the United States environmental protection agency low
29 emission vehicle standard pursuant to 40 Code of Federal Regulations section
30 88.104-94 or 88.105-94 and THAT is certified by the engine manufacturer to
31 consume at least seventy per cent alternative fuel during normal vehicle
32 operations.

33 5. "Bribe" signifies anything of value or advantage, present or
34 prospective, asked, offered, given, accepted or promised with a corrupt
35 intent to influence, unlawfully, the person to whom it is given in that
36 person's action, vote or opinion, in any public or official capacity.

37 6. "Child" or "children" as used in reference to age of persons means
38 persons under the age of eighteen years.

39 7. "Clean burning fuel" means:

40 (a) An emulsion of water-phased hydrocarbon fuel that contains not
41 less than twenty per cent water by volume and that complies with any of the
42 following:

43 (i) Is used in an engine that is certified to meet at a minimum the
44 United States environmental protection agency low emission vehicle standard
45 pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

1 (ii) Is used in an engine that is certified by the engine modifier to
2 meet the addendum to memorandum 1-A of the United States environmental
3 protection agency.

4 (iii) Is used in an engine that is the subject of a waiver for that
5 specific engine application from the United States environmental protection
6 agency's memorandum 1-A addendum requirements and that waiver is documented
7 to the reasonable satisfaction of the department of commerce energy office.

8 (b) A diesel fuel substitute that is produced from nonpetroleum
9 renewable resources if the qualifying volume of the nonpetroleum renewable
10 resources meets the standards for California diesel fuel as adopted by the
11 California air resources board pursuant to 13 California code of regulations
12 sections 2281 and 2282 in effect on January 1, 2000, the diesel fuel
13 substitute meets the registration requirement for fuels and additives
14 established by the UNITED STATES environmental protection agency pursuant to
15 section 211 of the clean air act as defined in section 49-401.01 and the use
16 of the diesel fuel substitute complies with the requirements listed in 10
17 Code of Federal Regulations part 490, as printed in the federal register,
18 volume 64, number 96, May 19, 1999.

19 (c) A diesel fuel that complies with all of the following:

20 (i) Contains a maximum of fifteen parts per million by weight of
21 sulfur.

22 (ii) Meets ASTM D975.

23 (iii) Meets the registration requirements for fuels and additives
24 established by the UNITED STATES environmental protection agency pursuant to
25 section 211 of the clean air act as defined in section 49-401.01.

26 (iv) Is used in an engine that is equipped or has been retrofitted
27 with a device that has been certified by the California air resources board
28 diesel emission control strategy verification procedure, the United States
29 environmental protection agency voluntary diesel retrofit program or the
30 United States environmental protection agency verification protocol for
31 retrofit catalyst, particulate filter and engine modification control
32 technologies for highway and nonroad use diesel engines.

33 8. "Corruptly" imports a wrongful design to acquire or cause some
34 pecuniary or other advantage to the person guilty of the act or omission
35 referred to, or to some other person.

36 9. "Daytime" means the period between sunrise and sunset.

37 10. "Depose" includes every manner of written statement under oath or
38 affirmation.

39 11. "Federal poverty guidelines" means the poverty guidelines as
40 updated annually in the federal register by the United States department of
41 health and human services.

42 12. "Grantee" includes every person to whom an estate or interest in
43 real property passes, in or by a deed.

44 13. "Grantor" includes every person from or by whom an estate or
45 interest in real property passes, in or by a deed.

1 14. "Includes" or "including" means not limited to and is not a term
2 of exclusion.

3 15. "Inhabitant" means a resident of a city, town, village, district,
4 county or precinct.

5 16. "Issue" as used in connection with descent of estates includes all
6 lawful, lineal descendants of the ancestor.

7 17. "Knowingly" imports only a knowledge that the facts exist that
8 bring the act or omission within the provisions of the statute using such
9 word. It does not require any knowledge of the unlawfulness of the act or
10 omission.

11 18. "Magistrate" means an officer having power to issue a warrant for
12 the arrest of a person charged with a public offense and includes the chief
13 justice and judges of the supreme court, judges of the superior court,
14 justices of the peace and police magistrates in cities and towns.

15 19. "Majority" or "age of majority" as used in reference to age of
16 persons means the age of eighteen years or more.

17 20. "Malice" and "maliciously" import a wish to vex, annoy or injure
18 another person, or an intent to do a wrongful act, established either by
19 proof or presumption of law.

20 21. "Mentally ill person" includes an idiot, an insane person, a
21 lunatic or a person non compos.

22 22. "Minor" means a person under the age of eighteen years.

23 23. "Minor children" means persons under the age of eighteen years.

24 24. "Month" means a calendar month unless otherwise expressed.

25 25. "Neglect,—", "negligence,—", "negligent" and "negligently" import
26 a want of such attention to the nature or probable consequence of the act or
27 omission as a prudent man ordinarily bestows in acting in his own concerns.

28 26. "Nighttime" means the period between sunset and sunrise.

29 27. "Oath" includes AN affirmation or declaration.

30 28. "Peace officers" means sheriffs of counties, constables, marshals,
31 policemen of cities and towns, commissioned personnel of the department of
32 public safety, peace officers who are appointed by a multi-county MULTICOUNTY
33 water conservation district and who have received a certificate from the
34 Arizona peace officer standards and training board, police officers who are
35 appointed by community college district governing boards and who have
36 received a certificate from the Arizona peace officer standards and training
37 board and, police officers who are appointed by the Arizona board of regents
38 and who have received a certificate from the Arizona peace officer standards
39 and training board AND POLICE OFFICERS WHO ARE APPOINTED BY THE GOVERNING
40 BODY OF A PUBLIC AIRPORT PURSUANT TO SECTION 28-8426 AND WHO HAVE RECEIVED
41 A CERTIFICATE FROM THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD.

42 29. "Person" includes a corporation, company, partnership, firm,
43 association or society, as well as a natural person. When the word "person"
44 is used to designate the party whose property may be the subject of a
45 criminal or public offense, the term includes the United States, this state,

1 or any territory, state or country, or any political subdivision of this
2 state that may lawfully own any property, or a public or private corporation,
3 or partnership or association. When the word "person" is used to designate
4 the violator or offender of any law, it includes corporation, partnership or
5 any association of persons.

6 30. "Personal property" includes money, goods, chattels, dogs, things
7 in action and evidences of debt.

8 31. "Population" means the population according to the most recent
9 United States decennial census.

10 32. "Process" means a citation, writ or summons issued in the course
11 of judicial proceedings.

12 33. "Property" includes both real and personal property.

13 34. "Real property" is coextensive with lands, tenements and
14 hereditaments.

15 35. "Registered mail" includes certified mail.

16 36. "Seal" as used in reference to a paper issuing from a court or
17 public office to which the seal of such court or office is required to be
18 affixed means an impression of the seal on that paper, an impression of the
19 seal affixed to that paper by a wafer or wax, a stamped seal, a printed seal,
20 a screened seal or a computer generated seal.

21 37. "Signature" or "subscription" includes A mark, if a person cannot
22 write, with the person's name written near it and witnessed by a person who
23 writes the person's own name as witness.

24 38. "State", as applied to the different parts of the United States,
25 includes the District of Columbia, this state and the territories.

26 39. "Testify" includes every manner of oral statement under oath or
27 affirmation.

28 40. "United States" includes the District of Columbia and the
29 territories.

30 41. "Vessel", as used in reference to shipping, includes ships of all
31 kinds, steamboats, steamships, barges, canal boats and every structure
32 adapted to navigation from place to place for the transportation of persons
33 or property.

34 42. "Wilfully" means, with respect to conduct or to a circumstance
35 described by a statute defining an offense, that a person is aware or
36 believes that the person's conduct is of that nature or that the circumstance
37 exists.

38 43. "Will" includes codicils.

39 44. "Workers' compensation" means workmen's compensation as used in
40 article XVIII, section 8, Constitution of Arizona.

41 45. "Writ" signifies an order or precept in writing issued in the name
42 of the state or by a court or judicial officer.

43 46. "Writing" includes printing.

APPROVED BY THE GOVERNOR APRIL 13, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 13, 2004.